

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

06-CR-506

DAVID R, GUNTHER,

Defendants.

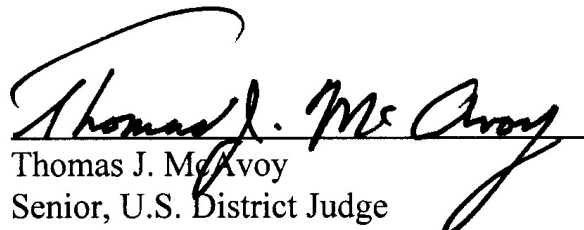
THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

Defendant moves for reconsideration of the Court's denial of his motion for the return of property. As noted in the prior decision, the record evidence before the Court demonstrates that the property was seized on December 12, 2006, Defendant was given notice of the forfeiture both individually and through his assigned defense counsel, Defendant filed a claim concerning the property, and the claim was ruled to be deficient. Defendant was given an opportunity to cure the deficiency, but, apparently failed to do so, As a result, the property was forfeited effective April 17, 2007. Defendant claims he never saw the letter from the DEA noticing that the claim was deficient. The government's evidence, however, demonstrates that the notice was sent to Defendant's attorney via certified mail and received. Accordingly, Defendant's claim must be rejected. Defendant has not identified any valid basis for reconsideration.

Accordingly, his motion is DENIED.

IT IS SO ORDERED
Dated: April 17, 2009


Thomas J. McAvoy
Senior, U.S. District Judge